

2002-2003 ANNUAL REPORT

Medical Board of California

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Executive Summary

In the last fiscal year, the Medical Board took many affirmative actions on behalf of California healthcare consumers beyond its historical licensing and disciplinary functions.

This has been a proactive and progressive Board, looking for ways to improve the lives of patients in this state. A few of the major activities are summarized below:

Senate Bill 1950

New legislation was enacted in this fiscal year that permits the Medical Board to disclose, for the first time, certain information related to malpractice settlements by physicians. This significant provision was part of SB 1950 (Figueroa), a comprehensive bill that affects many aspects of the Board's enforcement and information-disclosure activities.

The full Board voted in 2002 to make public *all* information it receives about settlements. However, SB 1950 reflects the compromise worked out in the Legislature to disclose if a physician has had three or

more settlements (four for certain high-risk specialties), beginning in 2003, during a 10-year period. SB 1950 also required the Board to implement a priority schedule (see page v) so that matters that present the greatest threat of patient harm are identified and investigated expeditiously.

California Physician Corps Loan Repayment Program

This program, created by AB 982 (Firebaugh), was co-sponsored by the Medical Board along with the California Medical Association, the California Primary Care Association and the California Latino Healthcare Association, and tackles the ever-increasing problem of underserved healthcare consumers in this state.

The program encourages recently licensed physicians to practice in underserved locations in California by authorizing a plan of repayment of their loans in exchange for their service in designated areas for a minimum of three years. A maximum of \$105,000 is made available to

awardees, in addition to their salaries as physicians.

The response to the new program was overwhelming, with the Board receiving over 150 applications. The law governing the program ensures that service is provided to the most underserved areas in the state. The 32 awardees provide services in 42 California locations. The first year's funding of the program came from the Medical Board of California, which committed \$3 million. However, the law permits the program to receive philanthropic funds to enable its continuation after the first year.

The Board is committed to working diligently, in the coming year, to secure such funds that will provide for the expansion of this vital program.

Ethics Training

Currently, all physicians who are disciplined for a violation of an ethical nature must attend an ethics-training

(Continued on page 2)

CURRENT PHYSICIAN AND SURGEON LICENSES BY COUNTY

| | | | | | | | | | |
|--------------|-------|-------------|--------|----------------|-------|-----------------|-------|---------------------------|-------|
| Alameda | 3,882 | Inyo | 45 | Monterey | 855 | San Luis Obispo | 707 | Trinity | 10 |
| Alpine | 0 | Kern | 965 | Napa | 465 | San Mateo | 2,391 | Tulare | 484 |
| Amador | 59 | Kings | 122 | Nevada | 255 | Santa Barbara | 1,128 | Tuolumne | 124 |
| Butte | 449 | Lake | 82 | Orange | 8,065 | Santa Clara | 5,725 | Ventura | 1,626 |
| Calaveras | 50 | Lassen | 51 | Placer | 777 | Santa Cruz | 624 | Yolo | 527 |
| Colusa | 12 | Los Angeles | 25,599 | Plumas | 30 | Shasta | 479 | Yuba | 64 |
| Contra Costa | 2,569 | Madera | 153 | Riverside | 2,419 | Sierra | 1 | California Total | |
| Del Norte | 55 | Marin | 1,465 | Sacramento | 3,466 | Siskiyou | 80 | 89,025 | |
| El Dorado | 274 | Mariposa | 13 | San Benito | 46 | Solano | 710 | Out of State Total | |
| Fresno | 1,640 | Mendocino | 215 | San Bernardino | 3,041 | Sonoma | 1,322 | 26,329 | |
| Glenn | 9 | Merced | 231 | San Diego | 8,355 | Stanislaus | 773 | Current Licenses | |
| Humboldt | 302 | Modoc | 6 | San Francisco | 4,967 | Sutter | 178 | 115,354 | |
| Imperial | 124 | Mono | 25 | San Joaquin | 880 | Tehama | 54 | | |

THE MISSION OF THE MEDICAL BOARD OF CALIFORNIA

The mission of the Medical Board of California is to protect healthcare consumers through the proper licensing and regulation of physicians and surgeons and certain allied healthcare professions and through the vigorous, objective enforcement of the Medical Practice Act.

Executive Summary (Continued from page 1)

course. The Ethics Task Force was established to ensure the training is appropriate to the violation, current with the times, and responsive to specific types of ethical violations.

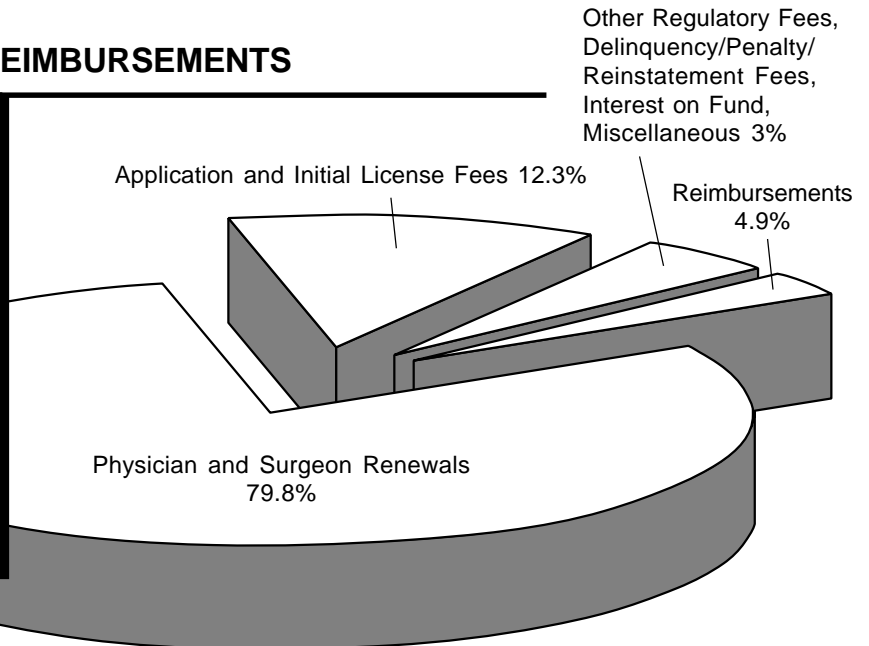
The task force developed criteria for the inclusion/exclusion of participants and identified a need to tailor the training for the type of violations. The task force also has created a Model Ethics Program. The

model includes two categories: Level I consists of a Professionalism Program, and Level II consists of a psychiatric evaluation and an ethics course.

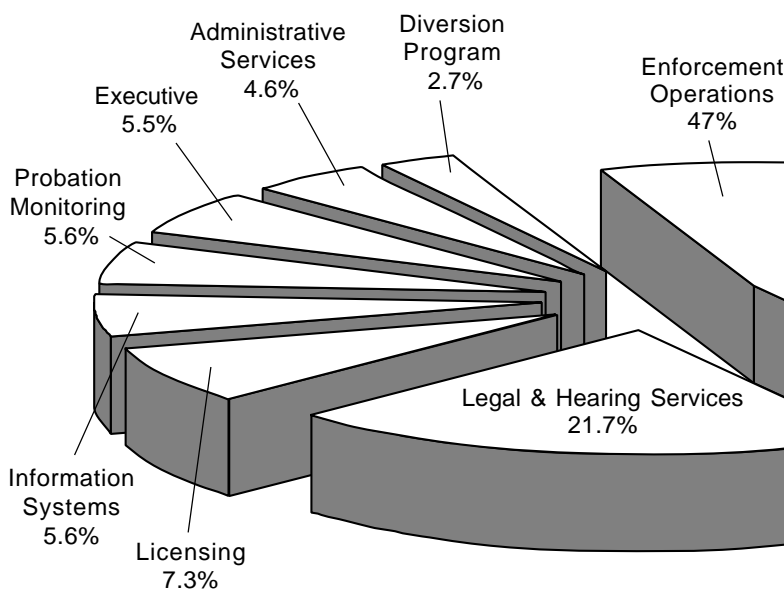
MEDICAL BOARD OF CALIFORNIA 2002-2003 FISCAL YEAR

REVENUES & REIMBURSEMENTS

| | |
|---|---------------------|
| Physician & Surgeon Renewals | \$29,788,000 |
| Application and Initial License Fees | \$4,604,000 |
| Reimbursements | \$1,810,000 |
| Other Regulatory Fees, Delinquency/Penalty/ Reinstatement Fees, Interest on Fund, Miscellaneous | \$1,131,000 |
| Total Receipts | \$37,333,000 |



BUDGET DISTRIBUTION



| | |
|--------------------------|---------------------|
| Enforcement Operations | \$18,150,000 |
| Legal & Hearing Services | 8,368,000 |
| Licensing | 2,821,000 |
| Information Systems | 2,158,000 |
| Probation/Operation | |
| Safe Medicine | 2,148,000 |
| Executive | 2,131,000 |
| Administrative Services | 1,796,000 |
| Diversion Program | 1,037,000 |
| Total | \$38,609,000 |

DIVISION OF LICENSING

The Medical Board of California's Division of Licensing continues to achieve its mission of protecting the healthcare of consumers through the proper licensing of physicians and surgeons and certain affiliated healing arts professionals. As in the previous fiscal year, it is expected that upcoming years will continue to challenge us to be more creative, more resourceful and more efficient to account for ever-diminishing staffing resources during these serious economic times. We continue to streamline workload and explore avenues for improving the licensing processes.

During this reporting period, the Division of Licensing issued a record high of 4,993 new physician and surgeon licenses. This brings the current physician and surgeon licensee count to 115,354.

The Division also licensed/certified/registered 245 affiliated healing arts professionals, including licensed midwives, dispensing opticians, contact lens dispensers, non-resident contact lens sellers, spectacle lens dispensers and research psychoanalysts.

The time frames for the licensure of physicians and surgeons continue to be reduced and the time frames for first review of applications continue to stay well below our mandated time frames. This is due primarily to the dedication and hard work of the licensing section staff and the receipt of more complete information from applicants. Nevertheless, to meet its deadlines during times of heavy demand, the Licensing Program has historically used paid overtime to meet its operational needs. However, these funds will not be available this fiscal year, and

production times, the ability to review applications and to respond to physician and public inquiries, will be impacted.

During a three-month portion of the past year, the Consumer Information Unit reduced its operational schedule due to staffing reductions. It recently returned to a full operational schedule, but continuation of that schedule will be dependent upon the availability of support staff. To meet the current challenges, we continue to consider alternative ways of doing business, such as incorporating

Staff will be working on revising application forms, making better use of the Internet and reviewing its regulatory and legislative mandates in its attempts to further streamline processing so that the impact of staff reductions will be minimized. The priority of this Division will continue to be the licensing and license renewal of physicians and surgeons.

The newest licensing pathway authorized under Section 2135.5 of the Business and Professions Code has successfully allowed us to expeditiously license 32

physicians, whose applications might have otherwise taken many more months of processing time awaiting the verification of qualifications. Section 2135.5 allows the Division to determine satisfaction of medical curriculum and clinical instruction requirements when the applicant meets certain defined criteria, including but not limited to, licensure in another state and ABMS certification.

The Licensing Program also finalized a new process to expedite the approval of special program applicants in postgraduate study, fellowship programs and faculty positions. Staff now processes

these applicants who meet all of the conditions for appointment in these special programs on a monthly rather than quarterly basis, and limits the Division of Licensing's review to only those candidates who require determination related to appointment criteria. Previously all applicants were brought to the Division of Licensing and therefore were approved only on a quarterly basis.

AFFILIATED HEALING ARTS

| | 2002–2003 | Licenses |
|---|-----------|----------|
| | ISSUED | CURRENT |
| Licensed Midwife | 12 | 121 |
| Dispensing Optician | 57 | 1,095 |
| Contact Lens Dispenser | 18 | 436 |
| Non-Resident Contact Lens Seller ¹ | 1 | 12 |
| Spectacle Lens Dispenser | 152 | 1,802 |
| Research Psychoanalyst | 5 | 75 |
| Accrediting Agencies for | | |
| Outpatient Settings | 0 | 4 |
| Podiatrist | 71 | 2,045 |

¹ Non-resident contact lens seller formerly was reported within the Dispensing Optician category.

additional information onto the Board's Web site regarding a number of the programs for which the Division of Licensing is responsible. This has provided consumers and physicians with useful information, forms and procedures, thus eliminating some of the more general questions that had to be answered by the Consumer Information Unit.

DIVISION OF LICENSING ACTIVITY

| | FY 01-02 | FY 02-03 | | FY 01-02 | FY 02-03 |
|--|----------------|----------------|---|-------------|-------------|
| PHYSICIAN LICENSES ISSUED | | | SPECIAL FACULTY PERMITS | | |
| FLEX/USMLE ¹ | 4,110 | 4,158 | Permits issued | 1 | 1 |
| NBME ¹ | 506 | 478 | License exemptions renewed | 2 | 3 |
| Reciprocity with other states | 304 | 357 | Total active exemption | 5 | 6 |
| Total new licenses issued | 4,920 | 4,993 | LICENSING ENFORCEMENT ACTIVITY | | |
| Renewal licenses issued—with fee | 49,053 | 49,647 | Probationary license granted | 9 | 10 |
| Renewal licenses—fee exempt ² | 4,933 | 4,756 | License denied (no hearing requested) | 8 | 2 |
| Total licenses renewed | 53,986 | 54,403 | Statement of Issues to deny license filed | 6 | 3 |
| PHYSICIAN LICENSES IN EFFECT | | | Statement of Issues granted (license denied) | 1 | 2 |
| California address | 86,934 | 89,025 | Statement of Issues denied (license granted) | 4 | 4 |
| Out-of-state address | 25,339 | 26,329 | Statement of Issues withdrawn | 1 | 1 |
| Total | 112,273 | 115,354 | ¹ FLEX = Federation Licensing Exam USMLE = United States Medical Licensing Exam NBME = National Board Medical Exam | | |
| FICTITIOUS NAME PERMITS | | | ² Includes physicians with disabled, inactive, retired, military, or voluntary service license status. | | |
| Issued ³ | 1,003 | 930 | ³ Includes Medical Board of California and Board of Podiatric Medicine. | | |
| Renewed ⁴ | 3,505 | 3,508 | ⁴ Medical Board of California only. | | |
| Total number of permits in effect ⁴ | 8,692 | 8,910 | | | |

VERIFICATION & REPORTING ACTIVITY SUMMARY

| | FY 01-02 | FY 02-03 | | FY 01-02 | FY 02-03 |
|--|-------------|-------------|---|------------------|------------------|
| LICENSE STATUS VERIFICATIONS | | | REPORTS TO MEDICAL BOARD | | |
| Phone verifications | 103,260 | 77,925 | Disciplinary reports mailed to health facilities upon written request pursuant to B&P Code §805.5 | 271 | 374 |
| Written verifications | 2,897 | 1,103 | Adverse Actions reported to the NPDB ² | 563 ³ | 526 ⁴ |
| Authorized LVS Internet users ¹ | 934 | 1,003 | NPDB reports received from insurance companies or self-insured individuals/organizations | 907 | 820 |
| Online LVS access verifications | 659,689 | 708,344 | B&P Code §805 reports of health facility discipline received | 155 ⁵ | 173 ⁶ |
| Non-verification telephone calls | 63,511 | 53,571 | | | |
| Certification Letters and Letters of Good Standing | 7,297 | 5,879 | | | |

¹ LVS = Licensing Verification System

² NPDB = National Practitioner Data Bank

³ Includes 531 MDs, 11 podiatrists, and 21 physician assistants.

⁴ Includes 498 MDs, 14 podiatrists, and 14 physician assistants.

⁵ Includes 151 MDs, 2 podiatrists and 2 psychologists.

⁶ Includes 162 MDs, 5 podiatrists, 5 psychologists and 1 physician assistant.

The Annual Report also is available in the "Publications" section of the Medical Board's Web site: www.medbd.ca.gov. For additional copies of this report, please fax your company name, address, telephone number and contact person name to the Medical Board's Executive Office at (916) 263-2387, or mail your request to 1426 Howe Avenue, Suite 54, Sacramento, CA 95825.

DIVERSION PROGRAM

The Diversion Program is a statewide, five-year monitoring and rehabilitation program. It is administered by the Medical Board of California to support and monitor the recovery of physicians who have substance abuse or mental health disorders.

The Diversion Program was created by statute in 1980 as a cost-effective alternative to discipline by the Medical Board. Diversion promotes public safety by encouraging physicians to seek early assistance for substance-abuse and mental-health disorders in order to avoid jeopardizing patient safety.

Physicians enter the Diversion Program by one of three avenues. First, physicians may self-refer. This is often the result of encouragement by concerned colleagues or family members who want the physician to seek help. Second, physicians may be referred by the Enforcement Program in lieu of pursuing disciplinary action. Finally, physicians may be directed to participate by the Board as part of a disciplinary order.

During the FY 02/03, 47 physicians were accepted into the program by the Diversion Evaluation Committee, signed a formal Diversion Agreement, and entered the program. Of those, 41 physicians had no open cases with the Board, four physicians

| Activity ¹ | FY 01-02 | FY 02-03 | Type of Impairment ¹ | FY 02-03 | % |
|---|----------|------------|---------------------------------|------------|-------------|
| Beginning of fiscal year | 273 | 269 | Alcohol | 48 | 18 |
| Prior year adjustments ² | | 3 | Alcohol | | |
| Accepted into program | 52 | 47 | & mental illness | 29 | 11 |
| Completions: | | | Other drugs | 76 | 29 |
| Successful | 46 | 38 | Other drugs | | |
| Unsuccessful | 10 | 10 | & mental illness | 36 | 14 |
| Deceased ³ | | 3 | Alcohol & other drugs | 34 | 13 |
| Active at end of year | 269 | 262 | Alcohol & other drugs | | |
| | | | & mental illness | 31 | 12 |
| Other Activity | | | Mental illness | 8 | 3 |
| Applicants ⁴ | 53 | 43 | Total | 262 | 100% |
| Other Applicants ⁵ | | 28 | | | |
| Out-of-state-monitored | | | | | |
| California licentiates | 11 | 15 | | | |
| Completions: | | | | | |
| Successful | 4 | 0 | | | |
| Unsuccessful | 2 | 0 | | | |
| Total monitored at end of FY 02-03 | | 348 | | | |
| Total monitored during FY 02-03 | | 399 | | | |

¹ Does not include applicant or out-of-state participant data.

² Prior-year activities received after the close of the fiscal year should have been reflected in the 01-02 year.

³ Deaths occurred prior to successfully completing the program

⁴ Applicants are participants who either (1) have not been seen by a Diversion Evaluation Committee or (2) have not yet signed a Diversion Agreement.

⁵ Other Applicants are those individuals who contacted the program during the fiscal year but either declined (23) to enter the program or were ineligible (5).

were diverted from discipline, and an additional two physicians entered as a result of disciplinary orders.

During FY 02/03, the Diversion Program monitored a total of 399 physicians. Of the

51 who left the program, three are deceased and 10 were unsuccessful, while 38 successfully completed five years, with a minimum of three years of continuous sobriety and a change in lifestyle that would support ongoing recovery.

DIVISION OF MEDICAL QUALITY

The Board's mission of public protection prompted thoughtful assessment of how the Board processes incoming complaints. This past year, the Board's Central Complaint Unit was reorganized into two sections to assure quality of care cases receive the highest priority and level of review. One section is the Quality of Care Section, and is responsible for reviewing complaints that may directly relate to patient harm caused by provider negligence or incompetence. The other section is the Physician Conduct and Affiliated Healing Arts Section, and is responsible for cases involving professional misconduct, technical violations and Affiliated Healing Arts cases. Although these cases may be serious, they do not pose an immediate danger to the health and safety of patients. This new design has resulted in a more timely review of quality of care cases and more education for the physician on cases involving non-quality of care and technical violations.

SB 1950 (Figueroa) was a major piece of legislation for the Board and became effective Jan. 1, 2003. It affected a number of areas of operation at the Board and impacted many sections of the Medical Practice Act, which governs the medical profession. The new law added two public members to the Division of Medical Quality and called for the appointment of an Enforcement Monitor to review the operations of the Enforcement Program. It also added new information about physicians for disclosure on the Board's Web site, e.g., physicians' medical speciality certifications and certain malpractice settlements. The penalty which can be imposed for criminal violations of unlicensed practice was increased. Complaints involving quality of care must now receive an initial review by a medical expert in the same field of practice as the issues raised in the complaint. For the first time, investigative priorities of the Board are reflected in statute: 1) negligence/incompetence resulting in serious bodily

injury or death; 2) substance abuse during practice resulting in patient injury; 3) excessive prescribing or prescribing without a good faith exam; 4) sexual misconduct during treatment; and 5) practicing while under the influence of alcohol/drugs. Many of the provisions of this law have been implemented; however, to achieve full compliance, Board staff continues to make program changes.

The hiring freeze, which affected all state agencies, prevented replacement of investigative staff who retired or left the Board. This reduction is reflected in the fewer number of investigations opened. The Central Complaint Unit's careful analysis of incoming complaints has assisted in reducing this number, while ensuring other appropriate actions are taken, such as citations and fines and advisory letters. Budgetary constraints will continue to place limitations on the Board's resources; however, staff will continue to seek efficient methods to process the work received, being ever mindful of the Board's public protection mission.

DIVISION OF MEDICAL QUALITY ACTION SUMMARY

PHYSICIANS & SURGEONS

| | FY 01-02 | FY 02-03 |
|---|----------|----------|
| COMPLAINTS/INVESTIGATIONS¹ | | |
| Complaints Received | 11,218 | 11,556 |
| Complaints Closed by Complaint Unit | 9,477 | 8,859 |
| Investigations | | |
| Cases Opened | 2,608 | 2,138 |
| Cases Closed | 2,449 | 2,361 |
| Cases referred to the Attorney General (AG) | 589 | 494 |
| Cases referred for criminal action | 82 | 47 |
| Number of probation violation reports referred to the AG | 27 | 12 |

| | |
|--|--------|
| Consumer inquiries | 57,112 |
| Jurisdictional inquiries | 31,412 |
| Complaint forms sent | 12,565 |
| Complaint forms returned by consumers | 4,398 |

Average and median time (calendar days) in processing complaints during the fiscal year, for all cases, from date of original receipt of the complaint, for each stage of discipline, through completion of judicial review:

| | FY 01-02 | | FY 02-03 | |
|--|----------|--------|----------|--------|
| | Avg. | Median | Avg. | Median |
| 1. Complaint Unit | | | | |
| Processing | 58 | 32 | 53 | 27 |
| 2. Investigation | 198 | 153 | 208 | 183 |
| 3. AG Processing to preparation of an Accusation | 103 | 64 | 91 | 57 |
| 4. Other stages of the legal process (e.g., after charges filed) | 437 | 364 | 471 | 410 |

Enforcement Field Operations Caseload

| | Per Statewide Investigator | |
|--------------------------------|-------------------------------|------------------|
| Active Investigations | 1,251 | 21 |
| AG Assigned Cases ² | 608 | 10 |
| <i>Probation Unit Caseload</i> | | |
| Monitoring Cases ³ | 516 | 40 |
| Active Investigations | 73 | 6 |
| AG Assigned Cases ² | 39 | n/a ⁴ |

¹ Some cases closed were opened in a prior fiscal year.

² These cases are at various stages of AG processing and may require supplemental investigative work, such as subpoena service, interviewing new victims or witnesses, testifying at hearings, etc.

³ 135 additional monitoring cases were inactive because the probationer was out of state as of June 30, 2003.

⁴ For Probation Unit caseload, the AG Assigned Cases are included as Monitoring Cases.

COMPLAINTS RECEIVED BY TYPE & SOURCE

| | Fraud | Health & Safety ¹ | Non-Jurisdictional ² | Competence/Negligence ³ | Other Category | Personal Conduct ⁴ | Unprofessional Conduct ⁵ | Unlicensed Unregistered | Total |
|---------------------------|------------|------------------------------|---------------------------------|------------------------------------|----------------|-------------------------------|-------------------------------------|-------------------------|---------------|
| Public | 243 | 225 | 1,194 | 4,800 | 6 | 18 | 1,267 | 79 | 7,832 |
| B&P Code ⁶ | 0 | 4 | 1 | 1,284 | 1 | 32 | 63 | 0 | 1,385 |
| Licensee/ | | | | | | | | | |
| Prof. Group ⁷ | 22 | 27 | 48 | 50 | 1 | 11 | 97 | 39 | 295 |
| Govt. Agency ⁸ | 27 | 64 | 41 | 288 | 50 | 360 | 843 | 64 | 1,737 |
| Anonymous/ | | | | | | | | | |
| Misc. | 36 | 38 | 33 | 35 | 0 | 25 | 97 | 43 | 307 |
| Totals | 328 | 358 | 1,317 | 6,457 | 58 | 446 | 2,367 | 225 | 11,556 |

¹ Health and Safety complaints include inappropriate prescribing, sale of dangerous drugs, etc.

² Non-jurisdictional complaints are not under the authority of the Board and are referred to other agencies such as the Department of Health Services, Department of Managed Health Care, etc.

³ Competence/Negligence complaints are related to the quality of care provided by licensees.

⁴ Personal Conduct complaints include licensee self-use of drugs/alcohol, conviction of a crime, etc.

⁵ Unprofessional Conduct complaints include sexual misconduct with patients, discipline by another state, failure to release medical records, etc.

⁶ Reference is to B&P Code sections 800 and 2240(a) and includes complaints initiated based upon reports submitted to the Medical Board by hospitals, insurance companies and others, as required by law, regarding instances of health facility discipline, malpractice judgments/settlements, or other reportable activities.

⁷ "Professional Group" includes the following complaint sources: Other Licensee, Society/Trade Organization, and Industry.

⁸ "Governmental Agency" includes the following complaint sources: Internal, Law Enforcement Agency, Other California State Agency, Other State, Other Unit of Consumer Affairs, and Federal or Other Governmental Agency.

REPORTS RECEIVED BASED UPON LEGAL REQUIREMENTS

| | FY 01-02 | FY 02-03 |
|---|--------------|--------------|
| MEDICAL MALPRACTICE | | |
| Insurers: B&P Code §§801 & 801.1 | 872 | 872 |
| Attorneys or Self-Reported or Employers B&P Code §§801(e), 802 & 803.2 | 313 | 281 |
| Courts: B&P Code §803 | 30 | 16 |
| Total Malpractice Reports | 1,215 | 1,169 |
| CORONERS' REPORTS | | |
| B&P Code §802.5 | 38 | 24 |
| CRIMINAL CHARGES & CONVICTIONS | | |
| B&P Code §§802.1 & 803.5 | 38 | 24 |
| HEALTH FACILITY DISCIPLINE | | |
| Medical Cause or Reason B&P Code §805 | 151 | 162 |
| OUTPATIENT SURGERY SETTINGS REPORTS | | |
| Patient Death B&P Code §2240(a) | 12 | 6 |

DIVISION OF MEDICAL QUALITY ACTION SUMMARY

| | FY 01-02 | FY 02-03 | | FY 01-02 | FY 02-03 |
|---|----------|----------|---|----------|-----------------|
| ADMINISTRATIVE ACTIONS | | | PETITION ACTIVITY | | |
| Accusation | 329 | 258 | Petition for Reinstatement of license filed | 10 | 15 |
| Petition to Revoke Probation | 21 | 18 | Petition for Reinstatement of license granted | 7 | 13 |
| Number of completed investigations referred to the Attorney General’s Office awaiting the filing of an Accusation as of June 30 | 138 | 115 | Petition for Reinstatement of license denied | 7 | 5 |
| | | | Petition for Penalty Relief ³ granted | 20 | 18 |
| | | | Petition for Penalty Relief ³ denied | 7 | 16 |
| | | | Petition to Compel Exam filed | 16 | 16 |
| | | | Petition to Compel Exam granted | 18 | 16 |
| | | | Petition to Compel Exam denied | 0 | 0 |
| ADMINISTRATIVE OUTCOMES | | | LICENSE RESTRICTIONS/SUSPENSIONS IMPOSED WHILE ADMINISTRATIVE ACTION IS PENDING | | |
| Revocation | 38 | 40 | Interim Suspension Orders ⁴ | 23 | 12 |
| Surrender (in lieu of Accusation or with Accusation pending) | 47 | 67 | Temporary Restraining Orders | 3 | 0 |
| Suspension Only | 6 | 4 | Other Suspension Orders | 40 | 28 ⁵ |
| Probation with Suspension | 19 | 27 | NOTE: Some orders granted were sought in prior fiscal year. | | |
| Probation | 69 | 87 | | | |
| Probationary License Issued | 9 | 10 | | | |
| Public Reprimand | 52 | 58 | | | |
| Other Actions (e.g., exam required, education course, etc.) | 21 | 30 | | | |
| Accusation Withdrawn ¹ | 32 | 35 | | | |
| Accusation Dismissed | 16 | 10 | | | |
| Dispositions of Probation Filings | | | | | |
| Additional Suspension or Probation | 9 | 5 | | | |
| Probation Revoked or License Surrendered | 16 | 9 | | | |
| Other Decisions | 3 | 0 | | | |
| Petition Withdrawn/Dismissed | 1 | 2 | | | |
| REFERRAL AND COMPLIANCE ACTIONS | | | | | |
| Citation and Administrative Fines Issued | 520 | 532 | | | |
| Physicians Referred to Diversion Program ² | 27 | 28 | | | |

| License Restrictions/Suspensions/Temporary Restraining Orders Sought and Granted by Case Type in FY 02-03 | | |
|---|---------------|----------------|
| | Orders Sought | Orders Granted |
| Criminal Charges/Conviction of a Crime | 3 | 4 |
| Drug Prescribing Violations | 5 | 5 |
| Fraud | 1 | 3 |
| Gross Negligence/Incompetence | 3 | 3 |
| Mental/Physical Illness | 6 | 5 |
| Self-Abuse of Drugs or Alcohol | 7 | 9 |
| Sexual Misconduct | 11 | 9 |
| Unlicensed Activity | 1 | 2 |
| Unprofessional Conduct | 1 | 0 |
| Total | 38 | 40 |

| Administrative Outcomes by Case Type in FY 02-03 ⁶ | | | | | | | | | |
|---|---------------|---------------------|-----------------|---------------------------|---------------|-----------------------------|------------------|---------------|----------------------------|
| | Revocation | Surrender | Suspension Only | Probation With Suspension | Probation | Probationary License Issued | Public Reprimand | Other Action | Total Actions by Case Type |
| Negligence | 7 | 29 (1) ⁷ | 0 | 12 | 45 | 0 | 25 | 17 | 135 (1) |
| Inappropriate Prescribing | 6 | 7 | 0 | 2 | 4 | 0 | 4 | 2 | 25 |
| Unlicensed Activity | 2 | 1 | 0 | 1 | 0 | 0 | 3 | 1 | 8 |
| Sexual Misconduct | 4 | 8 | 0 | 2 | 5 | 0 | 1 | 0 | 20 |
| Mental Illness | 4 | 8 | 2 | 1 | 3 | 3 | 0 | 4 | 25 |
| Self-Use of Drugs/Alcohol | 7 | 5 | 2 | 0 | 8 | 2 | 1 | 2 | 27 |
| Fraud | 1 (1) | 4 | 0 | 4 | 3 | 0 | 2 | 0 (1) | 14 (2) |
| Conviction of a Crime | 4 | 2 | 0 | 3 | 3 | 0 | 0 | 0 | 12 |
| Unprofessional Conduct | 5 | 3 | 0 | 2 | 5 (1) | 5 | 22 | 4 (1) | 46 (2) |
| Miscellaneous Violations | 0 | 0 | 0 | 0 | 11 | 0 | 0 | 0 | 11 |
| Totals by Discipline Type | 40 (1) | 67 (1) | 4 | 27 | 87 (1) | 10 | 58 | 30 (2) | 323 (5) |

¹ Accusations withdrawn for the following reasons: physician passed a competency exam; physician was issued a citation/fine instead; physician died; etc.

² Diversion Program referrals are made pursuant to B&P Code section 2350(b).

³ Penalty Relief includes Petitions for Modification and/or Termination of Probation.

⁴ Per B&P Code section 2220.05(c), ISOs were granted in the following priority categories: 2 - excessive prescribing, 2 - sexual misconduct with a patient, and 3 - practicing under the influence of drugs/alcohol.

⁵ Includes 7 Automatic Suspension Orders per B&P Code section 2236.1, 8 license restrictions per Penal Code section 23, 8 out-of-state suspension orders per B&P Code section 2310, and 5 stipulated agreements to suspend or restrict the practice of medicine.

⁶ These actions were taken on complaints received prior to the enactment of B&P Code 2220.05, therefore, the priority category is not available for these administrative outcomes.

⁷ Figures in parentheses represent action taken by the Division of Licensing against dispensing opticians, research psychoanalysts, and licensed midwives.

ENFORCEMENT ACTION SUMMARY FOR AFFILIATED HEALING ARTS¹

| | FY 01-02 | FY 02-03 | | FY 01-02 | FY 02-03 |
|--|----------|----------|---|-----------|-----------|
| COMPLAINTS/INVESTIGATIONS | | | PETITION ACTIVITY | | |
| Complaints Received | 1,046 | 1,138 | Petition for Reinstatement of license filed | 3 | 0 |
| Complaints Closed by Complaint Unit | 747 | 819 | Petition for Reinstatement of license granted | 1 | 0 |
| Investigations: | | | Petition for Reinstatement of license denied | 1 | 2 |
| Cases Opened | 347 | 226 | Petition for Penalty Relief ³ granted | 1 | 0 |
| Cases Closed | 328 | 314 | Petition for Penalty Relief ³ denied | 1 | 1 |
| Cases referred to the AG | 100 | 89 | Petition to Compel Exam granted | 0 | 4 |
| Cases referred for criminal action | 17 | 4 | Petition to Compel Exam denied | 0 | 4 |
| Number of Probation Violation | | | REPORTS RECEIVED BASED UPON LEGAL REQUIREMENTS | | |
| Reports referred to AG | 4 | 4 | | | |
| LICENSE RESTRICTIONS/SUSPENSIONS IMPOSED WHILE ADMINISTRATIVE ACTION IS PENDING | | | MEDICAL MALPRACTICE | | |
| Interim Suspension Orders | 1 | 4 | Insurers | | |
| Other Suspension Orders ² | 3 | 0 | B&P Code §§801 & 801.1 | 14 | 13 |
| ADMINISTRATIVE ACTIONS | | | Attorneys or Self-Reported or Employers | | |
| Accusation | 30 | 30 | B&P Code §§801(e), 802 & 803.2 | 9 | 5 |
| Petition to Revoke Probation | 4 | 2 | Courts | | |
| Statement of Issues to deny application | 5 | 3 | B&P Code §803 | 4 | 1 |
| Number of completed investigations referred to AG awaiting the filing of an Accusation as of June 30 | 16 | 14 | Total Malpractice Reports | 27 | 19 |
| ADMINISTRATIVE OUTCOMES | | | CORONERS' REPORTS | | |
| Revocation | 2 | 6 | B&P Code §802.5 | 0 | 0 |
| Surrender (in lieu of Accusation or with Accusation pending) | 2 | 8 | CRIMINAL CHARGES & CONVICTIONS | | |
| Probation with Suspension | 4 | 4 | B&P Code §803.5 | 3 | 0 |
| Probation | 13 | 17 | HEALTH FACILITY DISCIPLINE | | |
| Public Reprimand | 2 | 0 | Medical Cause or Reason | | |
| Other Actions | | | B&P Code §805 | 4 | 11 |
| (e.g., exam required, education course) | 2 | 2 | OUTPATIENT SURGERY SETTINGS REPORT | | |
| Statement of Issues Granted (License Denied) | 4 | 1 | Patient Death | | |
| Statement of Issues Denied (License Granted) | 2 | 4 | B&P Code §2240(a) | 0 | 0 |
| Accusation/Statement of Issues Withdrawn | 3 | 2 | | | |
| Accusation Dismissed | 1 | 0 | | | |
| Disposition of Probation Filings | | | | | |
| Additional Suspension or Probation | 1 | 1 | | | |
| Probation Revoked or License Surrendered | 1 | 1 | | | |
| Petition Withdrawn/Dismissed | 0 | 0 | | | |
| REFERRAL AND COMPLIANCE ACTIONS | | | | | |
| Citation and Administrative Fines Issued | 20 | 14 | | | |
| Office Conferences Conducted | 5 | 2 | | | |

¹ This data includes podiatrists, physician assistants, research psychoanalysts, dispensing opticians and licensed midwives. With the exception of the categories of complaints and investigations, the figures do not include psychologists.

² Includes Automatic Suspension Orders per B&P Code section 2236.1 and license restrictions per Penal Code section 23.

³ Penalty Relief includes Petitions for Modification and/or Termination of Probation.

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